

REMARKS

Claims 1 through 16 are pending. All pending claims stand rejected.

DRAWINGS

The Examiner raised, for the first time, an objection to the drawings in the October 29, 2002, Office Action. This objection relates to the failure to show switch 114 which is an automatic shutoff switch discussed in the Specification and an element of claims 8 and 16. Applicant herein has requested that the Specification be amended to delete the reference to element 114 and has likewise cancelled claims 8 and 16.

The deletion of the reference in the Specification and the cancellation of the related claims should overcome the stated objection to the Drawings. Accordingly, no substitute drawings are provided herewith. However, should the Examiner request additional copies of the drawings, they will be promptly forwarded.

CLAIM REJECTION UNDER 35 U.S.C. § 112

Claims 8 and 16 stand rejected under 35 U.S.C. § 112. As previously indicated, claims 8 and 16 have been cancelled herein.

CLAIM REJECTION UNDER 35 U.S.C. § 102

Claims 1, 2, 9 and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Martin 2,139,597. Claims 1 and 9 herein have been amended to further distinguish the location, orientation and function of the end blocks attached to the vehicle lift cross members. The language changed in claims 1 and 9 does not constitute new material but rather finds its support in the Specification at page 13, lines 1 through 7.

The Martin reference does not discuss or teach the use of end blocks to retain the vehicle lift cross members within U-shaped columns. As amended, claims 1 and 9 show that the pulleys

about which the cables are routed are attached to an end block maintained wholly within the U-shaped column. This is clearly not the case in the Martin reference which, using traditional construction methods, places the pulley inboard of the column on the cross member. As taught by Applicant, this orientation of the pulley on the cross member attributes to angular stresses during operation of the lift which contribute to inward collapse of the columns. Martin fails to suggest or teach any type of end block or any other apparatus at the end of this lift cross members. End blocks, as described and taught by Applicant, are not found in Martin as suggested at reference numeral 3 in the Drawings or at any other portion of that reference. Accordingly, the Martin reference does not anticipate all of the elements of the independent claims 1 and 9 pending herein. As claims 2 and 10 depend from independent claims 1 and 9 respectively, they rise and fall therewith.

CLAIM REJECTION UNDER 35 U.S.C. § 103

All pending claims currently stand rejected under 35 U.S.C. § 103 over a variety of references.

As previously indicated, claims 1 and 9 are the independent claims pending in this application. Accordingly, pending claims 2 through 7 and 10 through 15 are dependent claims which rise or fall with the independent claims. As amended, claims 1 and 9 further define and limit the claims herein and overcome the Examiner's objection under 35 U.S.C. § 103.

None of the referenced patents alone, or in combination, disclose a vehicle lift which has a cable attached substantially at the center of a top cap of each of four spaced apart columns and which utilizes an end block attached to each cross member to retain the cross member fully within the U-shaped column. Further, none of the references teach affixing a pulley to the end block wholly within a U-shaped column so that the cable is retained substantially perpendicular to the cross members.

The numerous claim rejections under 35 U.S.C. § 103(a) are addressed individually below:

A. Claims 1 through 8 and claims 11 through 16 stand rejected as unpatentable under 35 U.S.C. § 103(a) over France 2,576,298 (A1) (hereinafter FR '298) in view of U.S. Patent No. 2,216,058 to Thompson or GB 2,003,116 A (hereinafter GB '116).

Claims 8 and 16 have been cancelled. Claims 1 through 4 and 11 through 15 are not unpatentable under the references cited because FR '298 does not disclose any type of end blocks attached to the cross members. Neither does this reference teach a top cap on the column for attachment of the cables at a substantially central location. The '058 patent does not incorporate cables whatsoever but rather is a gear driven lift. Accordingly, the statement that cables are attached substantially at a central location in the '058 reference is erroneous. GB '116 likewise does not specifically teach or address cables attached at a central location to top plates of a column. Neither is there a disclosure or teaching of end blocks retained within a U-shaped column for attachment of a pulley. There is simply no teaching or suggestion in any of these references for routing the cables and maintaining the cable within the column through the pulley attached to the end block as claimed by Applicant.

B. Claims 5 and 13 stand rejected as unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 2,139,597 to Martin in view of U.S. Patent No. 4,724,875 to Baldwin.

Claims 5 and 13 rise and fall within independent claims 1 and 9 respectively. The '875 reference is drawn to a trailer mounted oil changing station rather than a vehicle lift. The oil pan referenced in the '875 patent is actually an oil collection pan for oil changes and not a drip tray as described and claimed by Applicant. Further, nothing in the references suggest that they be combined.

C. Claims 5 and 13 stand rejected as unpatentable under 35 U.S.C. § 103(a) over FR '298 in view of either Thompson or GB '116, further in view of Baldwin.

As previously indicated, the '058 patent does not disclose a vehicle lift which uses cables and pulleys. Baldwin is drawn to a oil changing trailer and FR '298 does not disclose the use of end blocks or a centrally located cable for elevation of the lift. Further, there is no motivation or suggestion within the references to combine them. There is no likelihood that combining these references would result in the success of Applicant's invention.

D. Claims 6 and 14 stand rejected as unpatentable under 35 U.S.C. § 103(a) Martin in view of U.S. Patent No. 3,536,161 to Clarke.

The '597 does not teach end blocks mounted to the cross member of the lift. The '161 patent does not teach the use of casters associated with the lift which allows it to be rolled about when a vehicle is elevated. Rather, the '161 patent is only directed to wheels which can be used to move the lift when it is unloaded. Moreover, there is no motivation to combine these references and no suggestion to do so.

E. Claims 6 and 14 stand rejected as unpatentable under 35 U.S.C. § 103(a) over FR '298 in view of either Thompson or GB '116, further in view of Clarke.

The addition of the Thompson reference does not render Applicant's claims obvious. Again, this is because the '058 reference does not even utilize cables and pulleys or end blocks. The '058 reference is directed to an old fashioned gear driven lift. There is no motivation or suggestion to combine these references and no reasonable likelihood of success of achieving Applicant's invention as claimed at 6 and 14.

F. Claims 7 and 15 stand rejected as unpatentable under 35 U.S.C. § 103(a) U.S. over Martin in view of U.S. Patent No. 4,076,216 to Nussbaum.

The '216 reference does not disclose a flexible slotted dust cover mounted across each cross member receiver slot of the U-shaped columns of the lift. Rather, the '216 reference teaches the inclusion of two slits in a rigid plate which accommodates flaps to protect against accumulation of dirt and damage to internal components. Nothing in the '216 reference suggests or teaches a "flexible slotted dust cover" used to protect the inner workings of the U-shaped columns. Further, there is no motivation or suggestion to combine the '216 reference with the '597 patent.

G. Claims 7 and 15 stand rejected as unpatentable under 35 U.S.C. § 103(a) over France '298 in view of either Thompson or GB '116, further in view of U.S. Patent No. 4,076,216 to Nussbaum.

None of the referenced patents disclose or discuss a flexible slotted dust cover such as that described and claimed by Applicant. It is impossible to acquaint a rigid plate used to cover the internal workings of an apparatus with a flexible slotted dust cover such as that claimed by Applicant. There is no motivation or suggestion to combine the references and no reasonable likelihood that such a combination would achieve Applicant's claimed invention.

H. Claims 8 and 16 stand rejected as unpatentable under 35 U.S.C. § 103(a) over Martin in view of U.S. Patent No. 2,624,546 to Haumerson.

Claims 8 and 16 have been cancelled.

APPEAL

On January 29, 2003, Applicant herein filed a Notice of Appeal in this case. An Appeal Brief has been prepared and is filed concurrently with the filing of this Amendment. Because of the concurrent filing, the Appeal Brief addresses issues as if this Amendment and Response had not yet been filed. A courtesy copy of the Appeal Brief is provided herewith.

CONCLUSION

Applicant respectfully requests that the amendments set forth herein be made. Further, Applicant respectfully requests withdrawal of all rejections of claims 1 through 7 and 9 through 15. Should the Examiner believe that any issues remain outstanding, the Examiner is requested to call Applicant's undersigned attorney in an effort to resolve such issues and advance this application to issue.

Date: _____

Respectfully submitted,

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